

## **Chapter 18.350 PLANNED DEVELOPMENTS**

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### **18.350.010 Purpose**

A. Purpose. The purposes of the planned development overlay zone are:

1. To provide a means for property development that is consistent with Tigard's Comprehensive Plan through the application of flexible standards which consider and mitigate for the potential impacts to the City; and
2. To provide such added benefits as increased natural areas or open space in the City, alternative building designs, walkable communities, preservation of significant natural resources, aesthetic appeal, and other types of assets that contribute to the larger community in lieu of strict adherence to many of the rules of the Tigard Community Development Code; and
3. To achieve unique neighborhoods (by varying the housing styles through architectural accents, use of open space, innovative transportation facilities) which will retain their character and city benefits, while respecting the characteristics of existing neighborhoods through appropriate buffering and lot size transitioning; and
4. To preserve to the greatest extent possible the existing landscape features and amenities (trees, water resources, ravines, etc.) through the use of a planning procedure (site design and analysis, presentation of alternatives, conceptual review, then detailed review) that can relate the type and design of a development to a particular site; and
5. To consider an amount of development on a site, within the limits of density requirements, which will balance the interests of the owner, developer, neighbors, and the City; and
6. To provide a means to better relate the built environment to the natural environment through sustainable and innovative building and public facility construction methods and materials. (Ord. 06-16)

### **18.350.020 Process**

- A. Applicable in all zones. The planned development designation is an overlay zone applicable to all zones. An applicant may elect to develop the project as a planned development, in compliance with the requirements of this chapter, or in the case of a commercial or industrial project an approval authority may apply the provisions of this chapter as a condition of approving any application for the development.

- B. Elements of approval process. There are three elements to the planned development approval process, as follows:
1. The approval of the planned development concept plan;
  2. The approval of the detailed development plan; and
  3. The approval of the planned development overlay zone.
- C. Decision-making process.
1. The concept plan shall be processed by means of a Type III-PC procedure, as governed by Section 18.390.050, using approval criteria contained in Section 18.350.050.
  2. The detailed development plan shall be reviewed by a means of a Type III-PC procedure, as governed by 18.390.050, to ensure that it is substantially in compliance with the approved concept plan.
  3. The planned development overlay zone will be applied concurrently with the approval of the detailed plan.
  4. Applicants may choose to submit the concept plan and detailed plan for concurrent review subject to meeting all of the approval criteria for each approval. All applicants are advised that the purpose of separating these applications is to provide them clear direction in developing the detailed plans. Rejection of the concept plan will result in a corresponding rejection of the detailed development plan and overlay zone.
  5. In the case of an existing planned development overlay zone, once construction of the detailed plan has been completed, subsequent applications conforming to the detailed plan shall be reviewed under the provisions required in the chapter which apply to the particular land use application.
  6. If the application involves subdivision of land, the applicant may also apply for preliminary plat approval and the applications shall be heard concurrently with the detailed plan.
- D. Concurrent applications for concept plan and detailed plan. In the case of concurrent applications for concept plan and detailed development plan, including subdivision applications, the applicant shall clearly distinguish the concept from the detailed plan. The Planning Commission shall take separate actions on each element of the Planned Development application (i.e. the concept approval must precede the detailed development approval); however each required action may be made at the same hearing. (Ord. 06-16)

#### **18.350.030 Administrative Provisions**

- A. Time limit on filing of detailed development plan. The concept plan approval expires after 1-1/2 years unless an application for detailed development plan and, if applicable, a preliminary plat approval or request for extension is filed. Action on the detailed development plan shall be taken by the Planning Commission by means of a Type III-PC procedure, as governed by Section 18.390.050, using approval criteria in 18.350.070.
- B. Zoning map designation. The planned development overlay zone application shall be concurrently approved if the detailed development plan is approved by the Planning Commission. The zoning map shall be amended to indicate the approved planned development designation for the subject development site. The approval of the planned development overlay zone shall not expire.

- C. Extension. The Director shall, upon written request by the applicant and payment of the required fee, grant an extension of the approval period not to exceed one year provided that:
1. No changes have been made on the original concept development plan as approved by the Commission;
  2. The applicant can show intent of applying for detailed development plan or preliminary plat review within the one-year extension period; and
  3. There have been no changes to the applicable Comprehensive Plan policies and ordinance provisions on which the approval was based.
- D. Phased development.
1. The Commission shall approve a time schedule for developing a site in phases, but in no case shall the total time period for all phases be greater than seven years without reapplying for conceptual development plan review.
  2. The criteria for approving a phased detail development plan proposal are that:
    - a. The public facilities shall be constructed in conjunction with or prior to each phase; and
    - b. The development and occupancy of any phase shall not be dependent on the use of temporary public facilities. A temporary public facility is any facility not constructed to the applicable City or district standard.
- E. Substantial modifications to concept plan. If the Planning Commission finds that the detailed development plan or preliminary plat does not substantially conform to the concept plan, a new concept plan shall be required.
- F. Noncompliance. Noncompliance with an approved detailed development plan shall be a violation of this chapter.
- G. Issuance of occupancy permits. The development shall be completed in accordance with the approved detailed development plan including landscaping and recreation areas before any occupancy permits are issued. However, when the Director determines that immediate execution of any feature of an approved detailed development plan is impractical due to climatic conditions, unavailability of materials, or other temporary conditions, the Director shall, as a precondition of the issuance of a required permit, require the posting of a performance bond or other surety to secure execution of the feature at a time certain not to exceed one year. (Ord. 06-16)

#### **18.350.040 Concept Plan Submission Requirements**

- A. General submission requirements. The applicant shall submit an application containing all of the general information required for a Type III-PC procedure, as governed by Section 18.390.050 and the additional information required by 18.350.040.B. In addition, the applicant shall submit the following:
1. A statement of planning objectives to be achieved by the planned development through the particular approach proposed by the applicant. This statement should include:

- a. A description of the character of the proposed development and the rationale behind the assumptions and choices made by the applicant;
  - b. An explanation of the architectural style, and what innovative site planning principles are utilized including any innovations in building techniques that will be employed;
  - c. An explanation of how the proposal relates to the purposes of the Planned Development Chapter as expressed in 18.350.010; and
  - d. An explanation of how the proposal utilized the Planning Commissioner's Toolbox.
2. A general development schedule indicating the approximate dates when construction of the planned development and its various phases are expected to be initiated and completed.
3. A statement of the applicant's intentions with regard to the future selling or leasing of all or portions of the planned development. In the case where a residential subdivision is proposed, the statement shall include the applicant's intentions whether the applicant will build the homes, or sell the lots to other builders.
- B. Additional information. In addition to the general information described in Subsection A above, the concept plan, data, and narrative shall include the following information, the detailed content of which can be obtained from the Director:
- 1. Existing site conditions;
  - 2. A site concept including the types of proposed land uses and structures, including housing types, and their general arrangement on the site;
  - 3. A grading concept;
  - 4. A landscape concept indicating a percentage range for the amount of proposed open space and landscaping, and general location and types of proposed open space(s);
  - 5. Parking concept;
  - 6. A sign concept;
  - 7. A streets and utility concept; and
  - 8. Structure setback and development standards concept, including the proposed residential density target if applicable.
- C. Allowable uses
- 1. In residential zones. In all residential zones, an applicant with a planned development approval may develop the site to contain a mixture of uses subject to the density provisions of the underlying zone and the density bonus provisions of 18.350.070.A.3.c. The following uses are allowed with planned development approval:
    - a. All uses allowed outright in the underlying zoning district;

- b. Single-family detached and attached residential units;
  - c. Duplex residential units;
  - d. Multi-family residential units;
  - e. Manufactured homes;
  - f. Accessory services and commercial uses directly serving the planned development only and which are customary or associated with, but clearly incidental to the uses permitted in the zone, such as persona services, preschool or daycare, and retail uses less than 5,000 square feet in sum total;
  - g. Community building;
  - h. Indoor recreation facility; athletic club, fitness center, racquetball court, swimming pool, tennis court or similar use;
  - i. Outdoor recreation facility, golf course, golf driving range, swimming pool, tennis court, or similar use; and
  - j. Recreational vehicle storage area.
2. In commercial zones. In all commercial zones, an applicant with a planned development approval may develop the site to contain all of the uses permitted outright in the underlying zone and, in addition, a maximum of 25% of the total gross floor area may be used for multi-family dwellings in those commercial zones that do not list multi-family dwellings as an outright use.
  3. In industrial zones. In all industrial zones, a planned development shall contain only those uses allowed outright in the underlying zoning district. (Ord. 06-16)

#### **18.350.050 Concept Plan Approval Criteria**

- A. The concept plan may be approved by the Commission only if all of the following criteria are met:
  1. The concept plan includes specific designations on the concept map for areas of open space, and describes their intended level of use, how they relate to other proposed uses on the site, and how they protect natural features of the site.
  2. The concept plan identifies areas of significant natural resources, if any, and identifies methods for their maximized protection, preservation, and/or management.
  3. The concept plan identifies how the future development will integrate into the existing neighborhood, either through compatible street layout, architectural style, housing type, or by providing a transition between the existing neighborhood and the project with compatible development or open space buffers.
  4. The concept plan identifies methods for promoting walkability or transit ridership, such methods may include separated parking bays, off street walking paths, shorter pedestrian routes than vehicular routes, linkages to or other provisions for bus stops, etc.

5. The concept plan identifies the proposed uses, and their general arrangement on site. In the case of projects that include a residential component, housing type, unit density, or generalized lot sizes shall be shown in relation to their proposed location on site.
6. The concept plan must demonstrate that development of the property pursuant to the plan results in development that has significant advantages over a standard development. A concept plan has a significant advantage if it provides development consistent with the general purpose of the zone in which it is located at overall densities consistent with the zone, while protecting natural features or providing additional amenities or features not otherwise available that enhance the development project or the neighborhood. (Ord. 06-16)

### **18.350.060 Detailed Development Plan Submission Requirements**

- A. General submission requirements. The applicant shall submit an application containing all of the general information required for a Type III-PC procedure, as governed by Section 18.390.050, the additional information required by 18.350.040.B and the approval criteria under 13.350.070.
- B. Additional information. In addition to the general information described in Subsection A above, the detailed development plan, data, and narrative shall include the following information:
  1. Contour intervals of 2 to 5 ft, depending on slope gradients, and spot elevations at breaks in grade, along drainage channels or swales, and at selected points, as needed
  2. A specific development schedule indicating the approximate dates of construction activity, including demolition, tree protection installation, tree removal, ground breaking, grading, public improvements, and building construction for each phase.
  3. A copy of all existing and/or proposed restrictions or covenants.
- C. Compliance with specific development standards. The Detailed Development Plan shall show compliance with base zone provisions , with the following modifications:
  1. Lot dimensional standards: The minimum lot depth and lot width standards shall not apply. There shall be no minimum lot size except that lots on the perimeter of the project shall not be less than 80% of the minimum size required in the base zone.
  2. Site coverage: The maximum site coverage is 80%, except in the IP zone where the maximum site coverage shall be 75%. Site coverage includes all buildings and impervious surfaces such as streets and sidewalks;
  3. Building height: In residential zones, any increase in the building height above the maximum in the base zone will require that the structure be setback from the perimeter of the site a distance of at least 1-1/2 times the height of the building.
  4. Structure setback provisions:
    - a. Setbacks for structures on the perimeter of the project shall be the same as that required by the base zone unless otherwise provided by Chapter 18.360;

b. The setback provisions for all setbacks on the interior of the project shall not apply except that:

- (1) All structures shall meet the Uniform Building and Fire Code requirements;
- (2) A minimum front yard setback of 20 feet is required for any garage structure which opens facing a street. This setback may be reduced for rear or side loaded garages, if specified on the detailed plan and proper clearances for backing movements are accounted for.
- (3) A minimum front yard setback of eight feet is required for any garage opening for an attached single-family dwelling facing a private street as long as the required off-street parking spaces are provided. This setback may be reduced for rear or side loaded garages, if specified on the detailed plan and proper clearances for backing movements are accounted for.

c. If seeking to modify the base zone setbacks, the applicant shall specify the proposed setbacks, either on a lot by lot, or project wide basis. The commission may require site specific building envelopes.

5. Other provisions of the base zone. All other provisions of the base zone shall apply except as modified by this chapter. (Ord. 06-16)

#### **18.350.070 Detailed Development Plan Approval Criteria**

A. Detailed development plan approval criteria. A detailed development plan may be approved only if all the following criteria are met:

1. The detailed plan is generally consistent with the concept plan. Minor changes from the concept plan do not make the detailed plan inconsistent with the concept plan unless:
  - a. The change increases the residential densities, increases the lot coverage by buildings or reduces the amount of parking;
  - b. The change reduces the amount of open space and landscaping;
  - c. The change involves a change in use;
  - d. The change commits land to development which is environmentally sensitive or subject to a potential hazard; and
  - e. The change involves a major shift in the location of buildings, proposed streets, parking lots, landscaping or other site improvements.
2. All the provisions of the land division provisions, Chapters 18.420 Partitions and 18.430 Subdivisions, shall be met if applicable;

3. Except as noted, the provisions of the following chapters shall be utilized as guidelines. A planned development need not meet these requirements where a development plan provides alternative designs and methods, if acceptable to the Commission that promotes the purpose of this chapter. In each case, the applicant must provide findings to justify the modification of the standards in the chapters listed below. The applicant shall respond to all the applicable criteria of each chapter as part of these findings and clearly identify where their proposal is seeking a modification to the strict application of the standards. For those chapters not specifically exempted, the applicant bears the burden of fully complying with those standards, unless a variance or adjustment has been requested.
  - a. Chapter 18.360, Site Development Review. The provisions of Chapter 18.360, Site Development Review, are not applicable to Planned Development Reviews. The detailed development plan review is intended to address the same type of issues as the Site Development Review.
  - b. Chapter 18.705, Access, Egress and Circulation. The Commission may grant an exception to the access standards, upon a demonstration by a professional engineer that the resulting access will not be detrimental to the public safety considering emergency vehicle needs, and provisions are provided for all modes of transportation using the site (vehicles, bicycles, pedestrians, and transit).
  - c. Chapter 18.715, Density Computation and Limitations. Unless authorized below, density shall be governed by the density established in the underlying zoning district, using the minimum lot size established for that district. Where a project site encompasses more than one underlying zoning district, density shall be aggregated for each district, and may be allocated anywhere within the project site, as deemed appropriate by the commission.

The Commission may further authorize a density bonus not to exceed 10% as an incentive to increase or enhance open space, architectural character and/or site variation incorporated into the development. These factors must make a substantial contribution to objectives of the planned development. The degree of distinctiveness and the desirability of variation achieved shall govern the amount of density increase which the Commission may approve according to the following:

- (1) A 1% bonus for each 5% of the gross site area set aside in open space, up to a maximum of 5%, is allowed for the provision of active use recreational open space, exclusive of areas contained in floodplain, steep slopes, drainageways, or wetlands that would otherwise be precluded from development;
  - (2) Up to a maximum of 5% is allowed for the development of pedestrian amenities, streetscape development, recreation areas, plazas, or other items from the "Planning Commission's Toolbox."
- d. Chapter 18.745, Landscaping and Screening. The Commission may grant an exception to the landscape requirements of this title upon a finding that the overall landscape plan was prepared by a licensed landscape architect, provides for 20% of the net site area to be professionally landscaped, and meets the intent of the specific standard being modified.



- e. Chapter 18.765, Off-street Parking and Loading Requirements. The Commission may grant an exception to the off-street parking dimensional and minimum number of space requirements in the applicable zone if :
  - (1) The minimum number of parking spaces is not reduced by more than 10 percent of the required parking; and
  - (2) The application is for a use designed for a specific purpose which is intended to be permanent in nature, e.g., a nursing home, and which has a low demand for off-street parking; or
  - (3) There is an opportunity for sharing parking and there is written evidence that the property owners are willing to enter into a legal agreement; or
  - (4) Public transportation is available to the site, and reducing the standards will not adversely affect adjoining uses; or
  - (5) There is a community interest in the preservation of particular natural features of the site which make it in the public interest to grant an exception to parking standards.
- f. Chapter 18.780, Signs. The Commission may grant an exception to the sign dimensional requirements in the applicable zone if :
  - (1) The sign is not increased by more than 10 percent of the required applicable dimensional standard for signs; and
  - (2) The exception is necessary for adequate visibility of the sign on the property; and
  - (3) The sign will be compatible with the overall site plan, the structural improvements and with the structures and uses on adjoining properties.
- g. Chapter 18.795, Visual Clearance Areas. The Commission may grant an exception to the visual clearance requirements, when adequate sight distance is or can be met;
- h. Chapter 18.810, Street and Utility Improvements, Sections 18.810.040, Blocks; and 18.810.060, Lots. Deviations from street standards shall be made on a limited basis, and nothing in this section shall obligate the City Engineer to grant an exception. The Commission has the authority to reject an exception request. The Commission can only grant an exception to street sanctions if it is sanctioned by the City Engineer.. The City Engineer may determine that certain exceptions to the street and utility standards are permissible when it can be shown that:
  - (1) Public safety will not be compromised; and
  - (2) In the case of public streets, maintenance costs will not be greater than with a conforming design; and
  - (3) The design will improve stormwater conveyance either by reducing the rate or amount of runoff from present standards or increasing the amount of pollutant treatment.

4. In addition, the following criteria shall be met:

a. Relationship to the natural and physical environment:

- (1) The streets, buildings and other site elements shall be designed and located to preserve the existing trees, topography and natural drainage to the greatest degree possible. The commission may require the applicant to provide an alternate site plan to demonstrate compliance with this criterion;
- (2) Structures located on the site shall not be in areas subject to ground slumping and sliding as demonstrated by the inclusion of a specific geotechnical evaluation; and
- (3) Using the basic site analysis information from the concept plan submittal, the structures shall be oriented with consideration for the sun and wind directions, where possible.

b. Buffering, screening and compatibility between adjoining uses:

- (1) Buffering shall be provided between different types of land uses, e.g., between single-family and multi-family residential, and residential and commercial uses;
- (2) In addition to the requirements of the buffer matrix (Table 18.745.1), the requirements of the buffer may be reduced if a landscape plan prepared by a registered Landscape Architect is submitted that attains the same level of buffering and screening with alternate materials or methods. The following factors shall be considered in determining the adequacy and extent of the buffer required under Chapter 18.745.
  - (a) The purpose of the buffer, for example to decrease noise levels, absorb air pollution, filter dust, or to provide a visual barrier;
  - (b) The size of the buffer needs in terms of width and height to achieve the purpose;
  - (c) The direction(s) from which buffering is needed;
  - (d) The required density of the buffering; and
  - (e) Whether the viewer is stationary or mobile.
- (3) On-site screening from view from adjoining properties of such activities as service areas, storage areas, parking lots and mechanical devices on roof tops shall be provided and the following factors shall be considered in determining the adequacy of the type and extent of the screening:
  - (a) What needs to be screened;
  - (b) The direction from which it is needed; and
  - (c) Whether the screening needs to be year- round.

- c. Privacy and noise: Non-residential structures which abut existing residential dwellings shall be located on the site or be designed in a manner, to the maximum degree possible, to protect the private areas on the adjoining properties from view and noise;
- d. Exterior elevations – Single-family attached and multiple-family structures: Along the vertical face of single-family attached and multiple-family structures, offsets shall occur at a minimum of every 30 feet by providing any two of the following:
  - (1) Recesses, e.g., decks, patios, entrances, floor area, of a minimum depth of eight feet;
  - (2) Extensions, e.g., decks, patios, entrances, floor area, of a minimum depth of eight feet, a maximum length of an overhang shall be 25 feet; and
  - (3) Offsets or breaks in roof elevations of three or more feet in height.
- e. Private outdoor area – residential use:
  - (1) Exclusive of any other required open space facility, each ground-level residential dwelling unit shall have an outdoor private area (patio, terrace, or porch) of not less than 48 square feet with a minimum width dimension of four feet;
  - (2) Wherever possible, private outdoor open spaces should be oriented toward the sun; and
  - (3) Private outdoor spaces shall be screened or designed to provide privacy for the use of the space.
- f. Shared outdoor recreation and open space facility areas – residential use:
  - (1) Exclusive of any other required open space facilities, each residential dwelling development shall incorporate shared usable outdoor recreation areas within the development plan as follows:
    - (a) Studio units up to and including two bedroom units, 200 square feet per unit;
    - (b) Three or more bedroom units, 300 square feet per unit.
  - (2) Shared outdoor recreation space shall be readily observable from adjacent units for reasons of crime prevention and safety;
  - (3) The required recreation space may be provided as follows:
    - (a) Additional outdoor passive use open space facilities;
    - (b) Additional outdoor active use open space facilities;
    - (c) Indoor recreation center; or
    - (d) A combination of the above.

g. Access and circulation:

- (1) The number of required access points for a development shall be provided in Chapter 18.705;
- (2) All circulation patterns within a development must be designed to accommodate emergency and service vehicles; and
- (3) Provisions shall be made for pedestrian and bicycle ways abutting and through a site if such facilities are shown on an adopted plan or terminate at the boundaries of the project site.

h. Landscaping and open space:

- (1) Residential Development: In addition to the buffering and screening requirements of paragraph b of this subsection, and any minimal use open space facilities, a minimum of 20 percent of the site shall be landscaped. This may be accomplished in improved open space tracts, or with landscaping on individual lots provided the developer includes a landscape plan, prepared or approved by a licensed landscape architect, and surety for such landscape installation.

i. Public transit:

- (1) Provisions for public transit may be required where the site abuts or is within a quarter mile of a public transit route. The required facilities shall be based on:
  - (a) The location of other transit facilities in the area; and
  - (b) The size and type of the proposed development.
- (2) The required facilities may include but are not necessarily limited to such facilities as:
  - (a) A waiting shelter;
  - (b) A turn-out area for loading and unloading; and
  - (c) Hard surface paths connecting the development to the waiting area.
- (3) If provision of such public transit facilities on or near the site is not feasible, the developer may contribute to a fund for public transit improvements provided the Commission establishes a direct relationship and rough proportionality between the impact of the development and the requirement.

j. Parking:

- (1) All parking and loading areas shall be generally laid out in accordance with the requirements set forth in Chapter 18.765;

- (2) Up to 50% of required off-street parking spaces for single-family attached dwellings may be provided on one or more common parking lots within the planned development as long as each single-family lot contains one off-street parking space.
- k. Drainage: All drainage provisions shall be generally laid out in accordance with the requirements set forth in Chapter 18.810. An applicant may propose an alternate means for stormwater conveyance on the basis that a reduction of stormwater runoff or an increase in the level of treatment will result from the use of such means as green streets, porous concrete, or eco roofs.
- l. Floodplain dedication: Where landfill and/or development are allowed within or adjacent to the 100-year floodplain, the City shall require consideration of the dedication of sufficient open land area for a greenway adjoining and within the floodplain. This area shall include portions of a suitable elevation for the construction of a pedestrian/bicycle pathway with the floodplain in accordance with the adopted pedestrian bicycle pathway plan.
- m. Shared open space facilities: The detailed development plan shall designate a minimum of 20% of the gross site area as a shared open space facility. The open space facility may be comprised of any combination of the following:
- (1) Minimal use facilities. Up to 75% of the open space requirement may be satisfied by reserving areas for minimal use. Typically these areas are designated around sensitive lands (steep slopes, wetlands, streams, or 100 year floodplain).
  - (2) Passive use facilities. Up to 100% of the open space requirement may be satisfied by providing a detailed development plan for improvements (including landscaping, irrigation, pathway and other structural improvements) for passive recreational use.
  - (3) Active use facilities. Up to 100% of the open space requirement may be satisfied by providing a detailed development plan for improvements (including landscaping, irrigation, pathway and other structural improvements) for active recreational use.
  - (4) The open space area shall be shown on the final plan and recorded on the final plat or covenants.
- n. Open space conveyance. Where a proposed park, playground or other public use shown in a plan adopted by the City is located in whole or in part in a subdivision, the Commission may require the dedication or reservation of such area within the subdivision, provided that the reservation or dedication is roughly proportional to the impact of the subdivision on the park system.

Where considered desirable by the Commission in accordance with adopted comprehensive plan policies, and where a development plan of the City does not indicate proposed public use areas, the Commission may require the dedication or reservation of areas within the subdivision or sites of a character, extent and location suitable for the development of parks or other public use, provided that the reservation or dedication is roughly proportional to the impact of the subdivision on the park system. The open space shall be conveyed in accordance with one of the following methods:

- (1) Public ownership. Open space proposed for dedication to the City must be acceptable to it with regard to the size, shape, location, improvement and budgetary and maintenance limitations. A determination of City acceptance shall be made in writing by the Parks & Facilities Division Manager prior to final approval. Dedications of open space may be eligible for Systems Development Charge credits, usable only for the proposed development. If deemed to be not acceptable, the open space shall be in private ownership as described below.
- (2) Private ownership. By conveying title (including beneficial ownership) to a corporation, home association or other legal entity, and granting a conservation easement to the City in a form acceptable by the City. The terms of the conservation easement must include provisions for the following:
  - (a) The continued use of such land for the intended purposes;
  - (b) Continuity of property maintenance;
  - (c) When appropriate, the availability of funds required for such maintenance;
  - (d) Adequate insurance protection; and
  - (e) Recovery for loss sustained by casualty and condemnation or otherwise. (Ord. 06-16)■